

PROJECT OFFICER IN THE CONTRACT CYCLE (POCC) COURSE

Role of Legal Counsel

I. Your authority to contract:

A. Basic, constitutional.

1. Inherent in the existence of the Government.
2. U.S. v. Tingey, 30 U.S. 114 (1831).

B. Statutes on specific procurement matters.

1. Minimum wage laws.
2. Minority contracting.
3. Small businesses.
4. Spending Restrictions (Anti-deficiency Act, etc).
5. Social and economic policies.
6. Etc.

C. Armed Services Procurement Act of 1947 (ASPA).

1. Expressly: for negotiated contracts, by Section 3 of CIA Act.
2. Tacitly: use of ASPA clauses since 1949, originally for cover and convenience.

D. Federal Property Act of 1949.

E. CIA Act of 1949 (Section 8; intelligence mission).

F. Confusion:

1. Our authority - F.P.A.
2. Our clauses - A.S.P.A.
3. Our special authority - Section 8.
4. Result:
 - a. flexibility (good).
 - b. ambiguity (bad).